

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

United States of America

v.

Juan Perez /

Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 09-20516

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

- ✓ (1) I find that:
 - ✓ there is probable cause to believe that the defendant has committed an offense
 - ✓ for which a maximum term of imprisonment of ten years or more is prescribed in 18 U.S.C. § 2422
 - ✓ under 18 U.S.C. § 2423
- ✓ (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

- ✓ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.
- ✓ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

- ✓ I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):
 - ✓ (a) nature of the offense - I. Attempted Enticement/Coercion (18 U.S.C. § 2422(b).
II. Travel with intent to engage in illicit sexual conduct (18 U.S.C. § 2423(b).
 - ✓ (b) weight of the evidence - Indictment establishes probable cause as to both offenses. The evidence is strong.
 - ✓ (c) history and characteristics of the defendant -
 - ✓ 1) physical and mental condition - Good physical health, history of depression.
 - ✓ 2) employment, financial, family ties - Defendant was employed in New York, but will not be able to return to that job. He has family ties in New York.
 - ✓ 3) criminal history and record of appearance - No criminal history.
 - ☐ (d) probation, parole or bond at time of the alleged offense -
 - ✓ (e) danger to another person or community - The charged conduct involves the sexual assault of a minor female.

Defendant is charged with the seduction, pursuit and sexual assault of a 14 year old female. The evidence in support of the charges appears to be strong. Defendant has no contacts with this district. He does have family contacts in New York. He allegedly made contact with the victim on the internet, and ultimately traveled to Michigan for the sole purpose of completing a sexual union with her. Defendant has no employment or property, and he faces substantial penalties upon conviction. Pretrial views him as a flight risk and danger to the community. I agree. I don't believe that restrictions will ensure his appearance, or the safety of the community.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: October 26, 2009

s/Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge